

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CHOSEN  
FREEHOLDERS HELD ON TUESDAY, APRIL 26, 2016 AT 4:30 P.M.  
IN THE COUNTY ADMINISTRATION BUILDING  
4 MOORE ROAD  
CAPE MAY COURT HOUSE, NEW JERSEY**

**STUDENT GOVERNMENT DAY 2016**

Student representatives from eight schools participated in the meeting proceedings portraying county officials as part of Student Government Day:

Kristin Hughes and Ricky Ankrum, Cape Christian Academy; Noah Dellas and Demetrius Bennett, Cape May County High School; Riley Hoffman and Hana Feulner, Cape May County Technical High School; John Mazurie and Brad Altman, Ocean City High School; Jillian Freeman and Mackenzie McCracken, Wildwood High School; Julia Jett and Micah Rucci, Wildwood Catholic High School; Libby Osman and Juliet Hearon, Lower Cape May Regional High School; Bane Price and Davis Dandridge, Cape Educational Compact School.

The meeting convened with Vice-Director Desiderio presiding and the following members answering roll call:

Freeholders Gabor, Hayes, Morey and Desiderio (4)  
Absent: Freeholder Thornton (1)

**STATEMENT OF DIRECTOR**

“This is a notice read pursuant to the requirements of the “Open Public Meetings Act.” At least 48 hours advance notice of this meeting has been provided by posting of the same in writing on the bulletin boards in the County Administration Building, and the County Clerk’s Office and mailing a copy of the notice to the Cape May County Herald and the Atlantic City Press and filing the same with the County Clerk, all being done on Wednesday, January 6, 2016.”

**MOMENT OF SILENCE**

**FLAG SALUTE**

**MINUTES – MOTION TO APPROVE MINUTES OF 04/12/16 REGULAR MEETING**  
FH Hayes moved/ FH Gabor seconded

Freeholders	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Gabor	X					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Thornton				X		

COMMUNICATIONS: None.

**REPORTS:**

- 1) COUNTY ENGINEER: Dale Foster reported continuing work in the outbound lane for the bridge repairs to Lafayette Street over Cape Island Creek. Only one lane is open to traffic which is controlled by temporary traffic signals in each direction. Arrangements have been made with the contractor to temporarily suspend work for the Coast Guard Festival beginning May 6<sup>th</sup> through May 8<sup>th</sup> after which the work will resume again. This phase of work is scheduled to be complete by May 20, 2016.
- 2) COUNTY COUNSEL: Jim Arsenault had no report.
- 3) COUNTY TREASURER: Francine Springer had no report.

FREEHOLDER REPORTS:

- 1) FREEHOLDER MOREY: Mr. Morey reported on the Office of Emergency Management UAS (Unmanned Aerial System) Forum which took place April 22, 2016 at the Cape May-Lewes Ferry Terminal. There were approximately 120 participants from the Offices of Emergency Management and Response throughout the state. More events were planned and he would keep everyone informed as more information becomes available.

Mr. Morey shared the first of many brass plaques which will be displayed at Open Space and Farmland Preservation sites located throughout the county. He explained how the partnership between the Board of Chosen Freeholders and the Open Space Board had made possible the various open space, recreation, and historic preservation projects. The wording on the plaques to read "Funding for this project was provided by the taxpayers of Cape May County through a partnership with the County Open Space and Farmland Preservation Trust." He thought it appropriate that the taxpayers are made aware of the worthwhile enhancement projects their tax dollars are funding.

- 2) FREEHOLDER GABOR: No report.
- 3) FREEHOLDER HAYES: Ms. Hayes reported the National Arts Program (NAP) artwork is currently on exhibit at the Middle Township Performing Arts Center and featured artwork from county artists of all abilities including county employees and students. An awards reception was held on April 15, 2016 where ribbons and prizes were presented by Freeholder Hayes to fifteen different artists for their work in Youth, Teen, Amateur, Intermediate and Professional categories as well as Best of Show. Best of Show went to Macy Hawthorne a Rowan University student. Peter Bosak won second place in Intermediate Division with his sculpture, "Mother Earth's Lament". Over 150 people attended the reception.

She attended the Cape May County Teen Arts Festival on April 21, 2016. Students from Lower Cape May Regional and Ocean City High Schools took part at various venues in Ocean City. Over 150 students displayed their visual art or performed in several categories including vocal performance, dance and theatre. They were judged by professionals in their discipline and had an opportunity to speak individually with the judges regarding their work. Selected students will be entered into the New Jersey Teen Arts Festival to take place at Ocean County College in June.

The freeholder reported meeting recently with others to discuss the methodology for an Agritourism survey measuring the impact of farm produce and products and wineries in Cape May County. All information gathered when combined will help save time in data collection and give the survey a broader appeal to help a wider audience she explained. In addition an Ecotourism survey done 10 years ago by Dr. Perniciaro will be updated once grant money is secured to fund the research. Both surveys will be helpful for local businesses and tourism marketers to give them better understanding of what residents and visitors want, and ideas to expand their operations to meet the demands.

She attended the Customer Service Leadership Training for business owners and managers at the Wildwood Convention Center. This presentation put on by Cape May County Chamber of Commerce focused on creating a service culture for employees. These training are continuing over the next month.

She also attended a Sexual Assault Stomp Out and Stand Down exercise at the Coast Guard Base sponsored by the Coalition against Rape and Abuse (CARA) this morning. The recruits set to graduate this week completed a multi-disciplinary obstacle course and were given the opportunity to speak with volunteer representatives from CARA regarding issues related to sexual assault and domestic violence.

Last week, Bridget O'Brien, Chairperson of the Cape May County Women's Commission and Freeholder Hayes presented a check in the amount of \$1,250 to the American Association of University Women for the provision of scholarships for young women to attend Science, Technology, Engineering and Math (STEM) education training at Stockton University this summer.

- 4) FREEHOLDER DESIDERIO: Mr. Desiderio addressed and gave the oath of office to sixty graduating Class II Officers at the Cape May County Police Academy on April 21, 2016. These officers will be working in communities in Salem, Atlantic and Cape May Counties.

He attended the Citizens Police Academy Graduation last night at the Cape May County Police Academy where he addressed the class and presented certificates along with Chief Boyd.

## **RESOLUTIONS:**

### **INTRODUCED BY MS. GABOR, SECONDED BY MR. MOREY**

- 371-16 Resolution awarding open ended contracts for the provision of labor, personnel and general litigation to counsel services to Cooper Levenson, PA, Gruccio Pepper DeSanto & Ruth, PA, Blaney Karavan, PC and Birchmeier & Powell LLC.  
(This Resolution awards contracts for 1-year with 2 one-year options for the provision of labor, personnel and general litigation counsel services for the County of Cape May.)
- 372-16 Resolution authorizing change order No. 3 with L.R. Kimball for additional architectural and engineering services at County Correctional Center in the amount of \$17,300.07.  
(This Resolution authorizes change order No. 3 to County Contract No. 204-13 with L. R. Kimball due to an increase in the services for bid/plotting in the amount of \$17,300.07.)
- 373-16 Resolution authorizing the Board to hold a meeting excluding the public on April 26, 2016 at 3:30 p.m. or as soon thereafter as possible or as practicable. Matters falling within the attorney-client privilege, contract negotiations, personnel matter and litigation captioned Janella Guntner v. Crest Haven, Workers' Compensation C.P. #2013-6946 and Jeremiah Craver v. County, Workers' Compensation C.P. #2012-29576 and #2012-29598.  
(This Resolution authorizes the Board of Chosen Freeholders to conduct a meeting excluding the public at the stated time in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1, et seq.)
- 374-16 Resolution authorizing renewal with Starr Indemnity & Liability Company for Aviation Liability and Hull Coverage in the total amount of \$41,051.36.  
(This Resolution authorizes renewal of Aviation Liability and Hull Coverage, Policy #SASICOM6010031501 for the term of April 1, 2016 through April 1, 2017.)
- 375-16 Resolution authorizing renewal with ACE American Insurance Company for Employed Lawyers Professional Liability Coverage in the total amount of \$8,836.43.  
(This Resolution authorizes renewal of Employed Lawyers Professional Liability, Errors and Omissions Policy #EON G2556327A for the term of March 17, 2016 through March 17, 2017.)
- 376-16 Resolution granting and amending various Leaves of Absence to County Employees.  
(This Resolution authorizes County Employees to be placed on a Leave of Absence in accordance with the County Leave of Absence Policy and the Family Medical Leave Act (FMLA).)

MINUTES OF A REGULAR MEETING HELD APRIL 26, 2016 (CONTINUED)

- 377-16 Resolution awarding emergency open-ended Contracts to Griswold Home Care and Atlantic Cape Home Care for provision of certified home health aides and homemaker care services for Department of Social Services.  
(This Resolution awards contracts to Griswold Home Care and Atlantic Cape Home Care for the provision of certified home health aides and homemaker care services for the period of April 26, 2016 through December 31, 2016.)  
*\*\*\* Motion made by Freeholder Gabor and seconded by Freeholder Morey to amend Resolution 377-16 deleting "Griswold Home Care". All Aye.*
- 378-16 Resolution terminating Contract No. 252-15 with Home Care Specialists for provision of certified home health aides and homemaker care services for Department of Social Services.  
(This Resolution terminates Contract No. 252-15 with Home Care Specialists for-cause effective April 26, 2016.)  
*\*\*\* Motion made by Freeholder Gabor and seconded by Freeholder Morey to Table Resolution 378-16. All Aye*
- 379-16 Resolution establishing a pool of evidence based prevention services for Department of Human Services.  
(This Resolution establishes a pool of evidence based prevention services on an as needed basis for the Department of Human Services.)
- 380-16 Resolution approving the monthly disbursements from the Department of Social Services for the TANF, General Assistance and Clearing Accounts.  
(This Resolution accepts and approves the monthly disbursements for the TANF, General Assistance and Clearing Accounts as submitted by the fiscal departments for Social Services.)
- 381-16 Resolution applying to New Jersey Department of Health for Cancer Education and Early Detection Grant for a total amount of \$140,000.00.  
(This Resolution authorizes submission of an application to New Jersey Department of Health for grant funds for the period of 7/1/16 through 6/30/17.)
- 382-16 Resolution applying to New Jersey Department of Health for funds to support Local Core Capacity for Public Health Emergency Preparedness in the amount of \$225,114.00.  
(This Resolution authorizes grant application for funds to support Local Core Capacity for Public Health Emergency Preparedness for the budget period of 7/1/16 through 6/30/17.)
- 383-16 Resolution applying to New Jersey Department of Health for Special Child Health Services Case Management Unit in the amount of \$45,197.00.  
(This Resolution authorizes submission of an application to New Jersey Department of Health for grant funds to provide coordination of service and advocacy for those registered through the program for the period of 7/1/16 through 6/30/17.)
- 384-16 Resolution applying to New Jersey Department of Health for funds to support the Right to Know Program in the amount of \$8,976.00.  
(This Resolution authorizes grant application for funds to support the Right to Know Program, Grant #EDIP17RTK15L, for the budget period of 7/1/16 through 6/30/17.)
- 385-16 Resolution appointing certain County employees to their permanent position in their respective offices (Aging & Disabilities).  
(This Resolution is appointing County employees from a New Jersey Civil Service Commission Certification which makes them permanent in their titles.)
- 386-16 Resolution applying to New Jersey Department of Health for Early Intervention System Grant in the amount of \$110,466.00.  
(This Resolution authorizes submission of application to the NJ Department of Health for grant funds to provide coordination of service and advocacy for those registered through the program for the period of 7/1/16 through 6/30/17.)

Mr. Edwin Sheppard of Ocean City, New Jersey, managing member of Home Care Specialists spoke in opposition of the passage of Res. Nos. 377-16 and 378-16 stating he wasn't made aware of the fact that the resolutions would be voted on and that they (Home Care Specialists) would be losing this contract until this morning at 11:00 a.m. via e-mail. He additionally stated he didn't know the cause for the termination. He read into the record an e-mail he had received today from James Arsenault, County Counsel regarding this matter. He stated there were some unusual circumstances in play here and requested both resolutions be tabled until further materials could be produced.

Mr. Ed Sheppard of Ocean City, New Jersey, Director of Business Development for Home Care Specialists also opposed both Res. Nos. 377-16 and 378-16 stating this was the first time they were being apprised of any deficiencies in a contract with cause. He felt their due process had been violated and he expressed personal disappointment because he was the person that worked most closely with Cape May County Social Services.

Jim Arsenault responded the information he received from Social Services and the Purchasing Department came late last week that there were issues in regard to the contractor's performance on the number of clients they have been asked to service on this contract (renewed January 2016 for a 1 year period). His understanding based on the information provided to him by the Director of Social Services, a Social Worker Supervisor of Social Services and the Purchasing Director was that there have been ongoing discussions of performance deficiencies with the contractor. He was assured prior to initiating the resolution that would terminate the contract that the county had more than ample documentation of service deficiencies and they had been communicated to the vendor prior to today.

Freeholders	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Gabor	X				X	
Ms. Hayes	X					
Mr. Morey	X					X
Mr. Thornton				X		

**INTRODUCED BY MS. HAYES, SECONDED BY MR. MOREY**

- 387-16 Resolution supplementing the 2016 Salary Resolution and approving appointments and salaries.  
(This Resolution authorizes the hiring of new County employees, temporary assignment pay, salary changes or corrections, title changes and promotions of County employees when applicable.)
- 388-16 Resolution rejecting proposal for proprietary specifications to furnish and deliver data service on tax records and reports for Cape May County Board of Taxation 2016 Specification No. 13.  
(This Resolution rejects the proposal that was received On April 13, 2016 pursuant to NJSA 40A:11-13.2(b) *exceeds appropriation.*)
- 389-16 Resolution extending County Contract No. 72-13 with Vital Communications, Inc., to October 31, 2016.  
(This Resolution extends the proprietary (Vital, Inc.) full service data processing, reporting and printing services required by the Cape May County Board of Taxation with Vital Communications, Inc., to October 31, 2016.)
- 390-16 Resolution authorizing Indemnification Agreement with Bishop McHugh Regional Catholic School for use of the baseball field at County Park East.  
(This Resolution grants permission to Bishop McHugh Regional Catholic School Baseball Team to utilize the field at County Park East for practices and games during the spring 2016 season.)

MINUTES OF A REGULAR MEETING HELD APRIL 26, 2016 (CONTINUED)

- 391-16 Resolution appointing certain County employees to their permanent position in their respective offices (Fare Free Transportation).  
(This Resolution is appointing County employees from a New Jersey Civil Service Commission Certification which makes them permanent in their titles.)
- 392-16 Resolution appointing certain County employees to their permanent position in their respective offices (Park/Zoo).  
(This Resolution is appointing County employees from a New Jersey Civil Service Commission Certification which makes them permanent in their titles.)
- 393-16 Resolution authorizing an Indemnification Agreement among Morey’s Piers, Cape May County Bridge Commission and the County for “*The Wild Half*” Half-Marathon – May 15, 2016.  
(This Resolution grants permission for marathon participants to use Ocean Drive (CR619) and to cross over the Grassy Sound Bridge during the course of its event.)
- 394-16 Resolution reconfirming Resolution No. 368-16 through Resolution No. 370-16 adopted April 12, 2016.  
(This Resolution reconfirms and ratifies the following Resolution as adopted by the Board of Chosen Freeholders at a regular meeting held on April 12, 2016:  
1. Resolution No. 368-16: Adopting a uniform policy for purchases below the threshold established under the Local Public Contracts Law. 2. Resolution No. 369-16: Rescinding Resolution No. 330-10 “Resolution authorizing the County of Cape May to enter into Encroachment, License and Indemnification Agreements with Landis Thirty Nine, Inc., regarding the County’s Right-of-Way along Landis Avenue, City of Sea Isle City”. 3. Resolution No. 370-16: Authorizing the County of Cape May to enter into Encroachment, License and Indemnification Agreements with Landis Thirty-Nine, Inc., regarding the County Right-of-Way along Landis Avenue, City of Sea Isle City.)

Freeholders	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Gabor	X					
Ms. Hayes	X				X	
Mr. Morey	X		393-16			X
Mr. Thornton				X		

**INTRODUCED BY MR. MOREY, SECONDED BY MS. GABOR**

- 395-16 Resolution recognizing Captain G. Todd Prestidge, Commanding Officer of Training Center Cape May, for contributions to the Cape May County Community.  
(This Resolution recognizes and honors Captain G. Todd Prestidge, Commanding Officer of Training Center Cape May, as he leaves Cape May County for a new duty station.)
- 396-16 Resolution recognizing Robert Hasty as Cape May County’s 2016 “Community Coast Guardian”.  
(This Resolution recognizes and commends U.S. Coast Guard Chief Robert Hasty with the title of Cape May County’s 2016 “Community Coast Guardian”.)
- 397-16 Resolution recognizing winners of the Cape May County Coast Guard Community Foundation’s 2016 Art & Essay Competition.  
(This Resolution recognizes and commends all the winners of the Cape May County Coast Guard Community Foundation’s 2016 Art & Essay Competition.)
- 398-16 Resolution recognizing Kristen Gallego as Cape May County’s 2016 “Coast Guard Community Spouse of the Year”.  
(This Resolution recognizes and commends Kristen Gallego with the title of Cape May County’s 2016 “Coast Guard Community Spouse of the Year”.)

MINUTES OF A REGULAR MEETING HELD APRIL 26, 2016 (CONTINUED)

- 399-16 Resolution granting permission to the Borough of West Wildwood to close a portion of Glenwood Avenue (CR614) in the Borough of West Wildwood on July 4, 2016 for a Fourth of July Parade.  
(This Resolution gives permission to the Borough of West Wildwood to temporarily close a portion of Glenwood Avenue (CR614) for their Fourth of July Parade.)
- 400-16 Resolution extending Contract No. 86-12 with Eddie's Auto Body and Contract No. 87-12 with Hi-Tech Auto & Truck Service Center, Inc. to June 28, 2016.  
(This Resolution extends Contract No. 86-12 with Eddie's Auto Body and Contract No. 87-12 with Hi-Tech Auto & Truck Service, Inc. for vehicle maintenance, repairs and inspections to June 28, 2016.)
- 401-16 Resolution granting permission to the Borough of West Wildwood to temporarily close a portion of Glenwood Avenue (CR614) in the Borough of West Wildwood on July 23, 2016 for their American Family Festival.  
(This Resolution gives permission to the Borough of West Wildwood to temporarily close a portion of Glenwood Avenue (CR614) for their American Family Festival.)
- 402-16 Resolution closing the contract and accepting the work of Landberg Construction, LLC for Crest Haven Road (CR609) and CMC Technical School Parking Lot Improvements, Township of Middle.  
(This Resolution accepts the work and closes the contract.)
- 403-16 Resolution authorizing Change Order No. 2-Final in the amount of \$2.39 to South State, Inc. for Hope Corson Road (CR671) Resurfacing Improvements Phase I from Stagecoach Road to US Route 9, Township of Upper.  
(This Resolution authorizes a change order to adjust the quantities in the contract to reflect the as-built quantities.)
- 404-16 Resolution authorizing an Indemnification Agreement among the New Jersey Metro Chapter of the National Multiple Sclerosis Society, Cape May County Bridge Commission and the County for the Coast to Coast Bike Tour – May 22, 2016.  
(This Resolution authorizes an organization to conduct its annual Bike Tour involving the use of bridges and roads owned by the Bridge Commission and the County, respectively.)
- 405-16 Resolution authorizing an Indemnification Agreement with the Police Unity Tour, Inc. for their Bike Tour on May 10, 2016.  
(This Resolution authorizes an organization to conduct its annual Bike Tour involving the use of roads owned by the County, respectively.)
- 406-16 Resolution authorizing Tuckahoe Volunteer Fire Company to solicit Contributions along Woodbine – Marshallville Road (CR617) and Tuckahoe Road (CR631), Township of Upper.  
(This Resolution permits fire company volunteers to hold 'coin drops' on various dates throughout the summer to obtain public contributions which help offset operational expenses.)
- 407-16 Resolution authorizing Change Order No 1-Final in the amount of \$76,618.93 to Midlantic Construction LLC for 2012 ER Site 3 Superstorm Sandy Ocean Drive (CR621) Bridge over Middle Thorofare North Abutment Slope Protection, Township of Lower.  
(This Resolution authorizes a change order to adjust quantities to reflect the as-built conditions. This change order results in an increase in the original contract of over 20 percent.)
- 408-16 Resolution authorizing Change Order No. 1 in the amount of \$1,964.00 to Air Control Technology, Inc. for the contract of Re-Bid HVAC Rooftop Unit Replacement CMC Administration Building.  
(This Resolution authorizes a change order to cover the cost of permit fees.)

MINUTES OF A REGULAR MEETING HELD APRIL 26, 2016 (CONTINUED)

409-16 Resolution opposing Assembly Bill No. 2361.  
(This Resolution is opposing the Assembly Bill No. 2361 due to the cost of implementing the program described in the Bill is cost prohibited.)

410-16 Resolution – Capital Budget Amendment

Freeholders	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Gabor	X					X
Ms. Hayes	X					
Mr. Morey	X				X	
Mr. Thornton				X		

INTRODUCTION OF BOND ORDINANCE 1-16

Bond Ordinance providing for the joint public safety building (to be shared with the Township of Lower), by and in the County of Cape May, State of New Jersey: Appropriating \$6,500,000 therefor and authorizing \$6,175,000 Bonds or Notes of the County to finance part of the costs thereof.

County Treasurer, Francine Springer explained that Lower Township currently occupied the facility but a renovation would take place inside to accommodate both Lower Township Police Department and the Cape May County Office of Emergency Management Consolidated Dispatch. Lower Township would be reimbursing the County \$2.1 million dollars per a lease agreement voted on at the April 12, 2016 Freeholder Meeting. In addition to that approximately \$4 million dollars would be spent on communications equipment to upgrade the current OEM Dispatch as well as renovations to the consolidated dispatch section of the building.

Jim Arsenault added a memorandum of understanding would still be required to be authorized on the conjoint development of the project. Previously a memorandum of understanding with the township conveyed title of the structure back to the county, and an interim lease agreement was authorized by the board that covered Lower Township’s interim use of the facility during the design and construction phase. When all is said and done a longer term lease agreement will come before the board for authorization that will include some long term financing and debt retirement schedules.

Freeholders	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Gabor	X					
Ms. Hayes	X					X
Mr. Morey	X				X	
Mr. Thornton				X		

MOTION TO PAY BILLS: FH Hayes moved/FH Gabor seconded

General Fund	17,089,115.68
Grant Fund	61,582.42
Tax Appeal Trust	2,265.12
Crest Haven Trust	191.48
Motor Vehicle Trust	1,987.00
CMC Zoo Trust	30,756.57
State Unemployment Ins.	102,566.55
Workers Compensation	73,036.76
Open Space Dedicated Fund	9,426.32
Self-Insurance Trust	1,063,772.35
CMC Fuel Resale System	31,444.21
Accumulated Absences	5,710.17
Prosecutors Clearing Acct	3,235.00
Prosecutors Forfeited Fnd	113,985.17
Prosecutors Forensic Lab	1,844.59
CMC Spay/Neuter Program	1,424.68
Animal Shelter Donations	3,332.30
Capital Improvements	2,394,379.43

MINUTES OF A REGULAR MEETING HELD APRIL 26, 2016 (CONTINUED)

Freeholders	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Gabor	X					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Thornton				X		

PUBLIC COMMENTS: No public comment.

ADJOURN: 5:18 P.M. FH Morey moved/FH Hayes seconded.

Freeholders	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Gabor	X					
Ms. Hayes	X					X
Mr. Morey	X				X	
Mr. Thornton				X		

APPROVED

\_\_\_\_\_  
DIRECTOR

ATTEST:

\_\_\_\_\_  
CLERK OF THE BOARD